

MORENO & RIVERA, LLP

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Jesse M. Rivera, CSN 84259
Shanan L. Hewitt, CSN 200168
Jonathan B. Paul, CSN 215884

Attorneys for Plaintiff,
GEORGE KIRBYSON

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

GEORGE L. KIRBYSON,)
)
Plaintiff,)

vs.)

TESORO REFINING AND MARKETING)
COMPANY, BRUCE SMITH, DAN)
PORTER, WILLIAM BODNAR, BILL)
REITZEL, DANIEL CARLSON, RICK)
RIOS, TAMMY MEAMBER, DIANE)
DANIELS, LARRY ANGEL, UNITED)
STEELWORKERS INTERNATIONAL)
UNION LOCAL 5, JEFF CLARK, STEVE)
ROJEK, and DOES 1 through 200, inclusive,)

Defendants.)

CASE NO. C09-03990 SC

**STIPULATED REQUEST TO CONTINUE
TRIAL DATE; DECLARATION OF
SHANAN L. HEWITT IN SUPPORT
THEREOF**

IT IS HEREBY STIPULATED by all parties to this action and the parties have agreed to request a continuance of the trial date as set forth in the Court's order of April 19, 2011. The parties have stipulated to continue the current trial date of August 24, 2011 to December 2011, and that a pretrial conference be set accordingly.

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1 Date: April 20, 2011

MORENO & RIVERA, LLP

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3 /s/ Shanan L. Hewitt
4 SHANAN L. HEWITT
Attorney for Plaintiff,
George Kirbyson

5 Date: April 20, 2011

FULBRIGHT & JAWORSKI, LLP

6
7 /s/ Amy McGinnis Gillinger
8 AMY MCGINNIS GILLINGER,
9 Attorney for Defendant,
Tesoro Refining and Marketing Company

10
11 Date: April 20, 2011

WEINBERG, ROGER & ROSENFELD

12
13 /s/ Kristina L. Hillman
14 KRISTINA L. HILLMAN,
15 Attorney for Defendant,
United Steelworkers International Union,
16 Local 5
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DECLARATION OF SHANAN L. HEWITT IN SUPPORT OF
STIPULATED REQUEST TO CONTINUE TRIAL DATE

I, Shanana L. Hewitt, declare that:

1. I am attorney of record for Plaintiff GEORGE KIRYBSON and have personal knowledge of each and all of the facts stated in this Declaration.

2. I am an attorney authorized to practice law in the State of California and the U.S. District Courts for the Eastern and Northern Districts of California, the Ninth Circuit Court of Appeals and the United States Supreme Court.

3. On April 19, 2011, Plaintiff's counsel received an order from the Court resetting the trial date from June 6, 2011 to August 24, 2011. Plaintiff's counsel will be unavailable for trial of this matter on August 24, 2011, as they will be preparing for a four (4) to six (6) week trial commencing on September 13, 2011 in Sallie, et al. v. County of Sacramento, Sacramento County Superior Court Case No. 34-2008-00014747-CU-OE-GDS. Due to the extensive allegations in the Sallie case by four (4) plaintiffs, the sizeable volume of documents/exhibits involved (in excess of approximately 75,000 pages of documents), large number of witnesses, and anticipated expert testimony from at least seven (7) experts, it is anticipated that the preparation for the Sallie trial will be extensive and take approximately 4-6 weeks to complete.

4. On April 19, 2011, the undersigned spoke with Court Clerk Ms. De Martini who informed the undersigned to file a stipulation and order to continue the August 24, 2011 trial date and advised the undersigned that December 2011 (probably December 5, 2011) was available for trial of this matter.

5. Plaintiff's counsel has conferred with defense counsel Amy McGinnis Gillinger and Kristina L. Hillman, and the parties have stipulated to continue the current August 24, 2011 trial date to December 2011, and a pretrial conference date to be set accordingly.

6. Counsel is not bringing this request to cause any undue delay or for any dilatory purpose.

7. Counsel respectfully requests that this Honorable Court grant the parties' request and continue the trial date to December 2011 with a pretrial conference to be set accordingly.

1 I declare under penalty of perjury that the foregoing is true and correct.

2 Executed on this 20th day of April 2011, at Sacramento, California.

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4 /s/ Shanana L. Hewitt

5 SHANAN L. HEWITT
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1 ***George L. Kirbyson v. Tesoro Refining and Marketing Company, et al.***
2 U.S. District Court, Northern District Sacramento
3 Case Number C 09-03990 SC

4 **PROOF OF SERVICE**

5 I am a citizen of the United States, employed in the City and County of Sacramento. My
6 business address is 1451 River Park Dr., Suite 145, Sacramento, California, 95815. I am over the
7 age of 18 years and not a party to the above-entitled action.

8 I am familiar with MORENO & RIVERA, LLP's practice whereby the mail is sealed, given the
9 appropriate postage and placed in a designated mail collection area. Each day's mail is collected
10 and deposited in a U.S. mailbox after the close of each day's business.

11 On the following date, I served the attached:

12 **STIPULATED REQUEST TO CONTINUE TRIAL DATE; DECLARATION OF**
13 **SHANAN L. HEWITT IN SUPPORT THEREOF**

14 X on the parties below in this action via electronic mail.

15 (By Express Mail pursuant to Code of Civil Procedure section 1013.) I deposited each
16 sealed envelope, with the postage prepaid, to be delivered via Federal Express to the
17 party(ies) so designated on the service list.

18 addressed as follows:

19 **Attorneys for Tesoro**
20 Michael S. Chamberlin
21 Fulbright & Jaworski, L.L.P.
22 555 South Flower Street, 41st Floor
23 Los Angeles, CA 90071

24 mchamberlin@fulbright.com

25 I declare under penalty of perjury that the foregoing is true and correct and that this declaration is
26 executed on April 20, 2011 at Sacramento, California.

27 /s/ Shanana L. Hewitt

28 SHANAN L. HEWITT

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14 vs.

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23 ROJEK, and DOES 1 through 200, inclusive,)
24)
25)
26)
27)
28)

Defendants.

CASE NO. C09-03990 SC

**~~PROPOSED~~ ORDER ON STIPULATED
REQUEST TO CONTINUE TRIAL DATE**

22 The parties have stipulated to continue the current trial date of August 24, 2011, as set
23 forth in the Court order of April 19, 2011, to December 2011, and that a pretrial conference be
24 set accordingly.

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Date: 4/21/11

1 ***George L. Kirbyson v. Tesoro Refining and Marketing Company, et al.***
2 U.S. District Court, Northern District Sacramento
Case Number C 09-03990 SC

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17 Los Angeles, CA 90071

18 mchamberlin@fulbright.com
19

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22 is executed on April 20, 2011 at Sacramento, California.

23
24 /s/ Shanana L. Hewitt

25 SHANAN L. HEWITT
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27
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